

REMARKS

By way of the instant amendment, new claim 7 has been added. Claims 1, 4 and 7 remain for examination. Claims 2, 3, 5 and 6 stand withdrawn from consideration.

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(e) as anticipated by Musgrove (6,535,880).

The Examiner's rejection is respectfully traversed.

According to the background description of applicant's invention, a problem in the conventional system of on-line shopping was that the ordering of products from the internet and the shipping of the products are managed separately. It may thus be necessary for the seller to issue a separate instruction to a delivery agent for each item purchased. Thus, if the purchaser made a purchase of a plurality of products from a plurality of different sellers, it was necessary for the purchaser to specify the delivery agent for each shipping agent individually and to pay a delivery fee separately for each delivery agent. An additional problem is that if the purchaser specified the same time for delivery with respect to a plurality of products from a plurality of different delivery agents, the purchaser may nevertheless have to remain home most of the day because the actual delivery time would vary among the plurality of delivery agents even though the same time delivery was specified.

In order to obviate the above enumerated deficiencies of the conventional system, an embodiment of applicant's invention as recited in independent claim 1 sets forth a first means in which the seller terminal sends to the purchaser terminal product information with respect to a plurality of products which the seller sells and delivery information with respect to a plurality of delivery agents which deliver the products to the purchaser. A second means is also provided in which the seller terminal receives from the purchaser terminal information regarding the products which are desired to be purchased by the purchaser and, additionally, information in which the purchaser specifies a specific identity of a single one of the plurality of delivery agents for delivery of the ordered products.

As shown in applicant's Figure 4, applicant will select among a plurality of delivery agents by checking a box in the appropriate row in which the delivery agent name, URL and telephone number are all set forth. Most importantly, it is possible for the purchaser to select

a single delivery agent to deliver all products purchased from a plurality of sellers. See, applicant's specification, page 13, line 26 through page 14, line 1.

The Musgrove patent is not specifically directed to any method of selecting a particular delivery agent. Only passing mention is made of a delivery method as, for example, in column 6, line 59, pointed out by the Examiner in paragraph 3 of the outstanding Office Action. However, the shipping method, while not stated in Musgrove, is generally understood to be a generalized statement of how the product is to be sent as, for example, second day delivery, ground transportation and the like. Certainly Musgrove does not disclose any system in which the user may select the specific identity of the delivery agent, and does not disclose a system in which a single specified, specific delivery agent can be chosen when a purchaser orders a plurality of products from a plurality of different sellers. (See applicant's new claim 7).

Inasmuch as the above enumerated limitations are not disclosed in the Musgrove patent, Musgrove cannot anticipate applicant's recited invention as set forth in claim 1. In order for a reference to anticipate a claim, the reference must disclose each and every limitation set forth in the claim. This is certainly not the case here and thus the § 102 rejection must be withdrawn.

With regard to applicant's independent claim 4, the Examiner appears to have ignored express limitations contained within the claim. For example, applicant recites a third means in which the delivery agent terminal receives purchase order identification information from the purchaser terminal and compares the purchase order identification information received from the purchaser terminal with the purchase order identification information received from the seller terminal. As is evident from applicant's Figure 2 in step A10, the seller terminal 20 transmits to both the purchase terminal 10 and the delivery agent 30 the purchase order identification information. As seen in Figure 6, the purchaser terminal in step B3 sends to the delivery agent terminal the purchase order identification information for delivery. In step B4 of Figure 6, the delivery agent terminal compares the purchase order identification information received from the purchaser terminal and the purchase order identification information received from the seller terminal (Figure 2). Musgrove does not disclose any comparable system and the "comparison" teaching set forth in column 7, lines 30-36 referred to by the Examiner is completely inapplicable to applicant's invention as discussed above. In

the cited portion of Musgrove, the shopping server computer 20 uses the information in the transaction record 54 to verify pricing information, shipping information and other details of the desired purchase with merchant server 40 by automatically going to each merchant checkout page or other information page and retrieving the updated information. In other words, the agent server 24 in which the transaction record 54 is contained, verifies the pricing and other information directly with the merchant server 40. This is quite a different scenario from the merchant server 40 receiving purchase order information from two different sources, namely the seller terminal (applicant's Figure 2) and the purchaser terminal (applicant's Figure 6), and then comparing the information against one another as recited in applicant's independent claim 4.

Inasmuch as the above enumerated limitations of applicant's claim 4 are not disclosed in Musgrove, Musgrove cannot be utilized as an anticipatory reference under 35 U.S.C. § 102. As such, the rejection must be withdrawn.

In view of the amendments made hereto and the arguments set forth above, it is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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